

**Meeting Notes**  
**North Delta Agency Team**  
**May 7, 2002**

The following provides a summary of the North Delta Agency Team Meeting held on May 7, 2002. The group agreed to meet again on **July 2, 2002, 9:30 – 11:30**, at **Jones & Stokes' 19<sup>th</sup> Street Office (2125 19<sup>th</sup> Street)**.

**Attendees:**

Sue Stack - DWR	Gwen Knittweis - DWR
Ken Trott - CDFA	Margit Aramburu - DPC
Bellory Fong - CALFED	Collette Zemitis - DWR
Mike Coleman - CALFED	Scott Cantrell - DFG
Aimee Dour-Smith - J&S	Mike Finan - USACE
Diane Jones - SLC	Patricia Fernandez - CALFED
Chris Kimball - DWR	Jeannie Blakeslee - DOC
Jim Starr - DFG	Suzanne DeLeon - DFG
Pete Rawlings - J&S	April Zohn - J&S
Shelby McCoy - RWQCB	

**Members Invited but not Present:**

Chuck Vogelsang - CALFED	Ryan Olah - USFWS
Frank Wernette - DFG	Dennis O'Bryant - DOC
John Thomson - USFWS	Paul Bowers - USACE
Mike Aceituno - NMFS	Tony Frisbee - CALFED
Diane Windham - NMFS	Terry Mills - CALFED
Pete Rabbon - DWR/Rec Board	Steve Shaffer - CDFA
Dennis Majors - CALFED	Rod Johnson - CALFED
Craig Stevens - J&S	Carl Werder - USBR
Ron Ott - CALFED	Matthew Reischman - CVRWQCB
Marina Brand - DFG	Mike Jewel - USACE
Travis Hemmen - J&S	Jeff Stuart - NMFS
Evelyne Gulli - SLC	Rosalie del Rosario - NMFS

**Notes:**

- Aimee Dour-Smith provided the group with a project update:
  - The federal lead agency for the project still has not been determined. The U.S. Bureau of Reclamation is determining whether or not they could act as lead agency for the project (i.e., whether there is a NEPA trigger for USBR). U.S. Army Corps of Engineers' Regulatory Branch reported that they are not the appropriate lead agency. CALFED upper management is working with USBR and others to bring resolution to the issue.
  - MBK is finishing up the hydraulic model and should have it ready for peer review by June 2002. Peer review should be completed by July, and a working model that can be used for the alternatives analysis should be available by the middle of July. In addition, 2-foot contours are now available for Staten Island based on a recent LIDAR survey.
  - Pete Rawlings provided a summary of the start-up ASIP committee meeting that was held on April 2, 2002. During that meeting, members from DFG, USFWS, NMFS, CALFED, and DWR met to discuss roles and responsibilities associated with drafting the ASIP, potential content of the ASIP, methodology that would be used to determine which species will be addressed in the ASIP, and timelines for the process as a whole. To augment existing survey data, Jones & Stokes' botanical and biological surveys of Staten Island, Dead Horse Island, and McCormack-Willisamson Tract will begin in June and will be used to support the ASIP and the EIR/EIS. The next ASIP meeting will be held on June 4, 2002.

- At a previous meeting, NDAT members had asked for a status on the ASIP handbook. At this time, the ASIP handbook is in draft form and is not available for dissemination. In the interim, the annotated outline prepared and distributed by Jones & Stokes at the last ASIP committee meeting will be used as the primary guidance for completion of the ASIP. In response to another question at our last meeting, public review of the ASIP will be accomplished during circulation of the EIR/EIS, where it will be included as an appendix.
  - A technical committee met April 29, 2002 to begin refining some of the alternatives outlined in the 1990 North Delta whitepaper. The technical committee will meet again to continue their discussions the hydraulic model is up and running.
  - The MCWA website ([www.mcwatershed.org](http://www.mcwatershed.org)) now provides updated information on the NDIP, including NDAT meeting notes, agendas and announcements. DWR is updating their website to reflect the most recent NDIP information, and CALFED plans to provide a reflector to either the MCWA or DWR website in the near future.
  - Jones & Stokes and DWR have created a draft outline for the EIR/EIS that they will be providing to the NDAT before our next meeting. The outline reflects tiering guidance provided by Chuck Vogelsang. CALFED is also working to develop assumptions that can be used for defining baseline conditions, the no-action alternative, and cumulative scenario. The goal is to make the no-action alternative consistent for all projects tiered off the CALFED PEIR/EIS at this time.
- Aimee led a discussion regarding the relationship between the NDIP and ERP actions. Many members of the NDAT agreed that exclusion of ERP goals from the purpose statement, as requested by the Delta Wide Ecosystem Restoration Steering Committee, prevents the NDIP from fully integrating all of the goals and objectives of the CALFED PEIR/EIS. Margit stated that the NDIP is intended to be a multi-purpose project and that pulling out a "beneficial component" would not reflect what agency representatives and the community wish to accomplish through the project. Aimee pointed out that members of the NDIG expressed similar concerns and that they had asked to meet directly with CALFED ERP staff (Dan Castleberry) to discuss the decision to exclude ERP actions for the NDIP. It was also pointed out that the decision to exclude ERP actions based on allocation of funds was not necessarily a valid argument because completion of a NEPA/CEQA document does not, in and of itself, require any commitment of funds.

Based on this discussion, Aimee asked the NDAT if the current language in the purpose and need statement was sufficient to allow for ERP actions. Many members thought that a specific reference to "ERP actions" needed to be included in the statement and DFG recommended that the purpose and need statement be reworded as follows: "...implement NDIP flood control improvements in a manner that benefits aquatic and terrestrial habitats, specifically those ERP actions identified in the ROD, that, when implemented concurrently, result in fiscal and ecological benefit." Other members of NDAT agreed with the language with one change: strike "identified in the ROD". This will allow more flexibility for implementing ERP actions that reflect the current knowledge and strategies for the ERP.

- Mike Finan asked for clarification on the purpose of the project. He stated that, based on the purpose and need statement, the project appeared to be a flood control project, but that, within the PEIR/EIS, it was listed as a flood conveyance project. Aimee clarified that, under the ROD, the North Delta Improvements PROGRAM consisted of three different projects, (1) DCC reoperation, which is a flood conveyance project, (2) a Through-Delta Facility, which is also a flood conveyance project, and (3) designs for flood control improvements, which is a flood control project. Our project, North Delta Improvements PROJECT, will address only Item #3.
- Mike Finan gave an overview of what the 404(b)(1) alternatives analysis should address and how the purpose and need statement will reflect the project proponents objective and goals, driving the analysis of alternatives under NEPA and EPA's 404(b)(1) guidelines, provided the project results in a discharge of dredge or fill material. He recommended that we involve the EPA in future meetings to ensure that development of alternatives would meet their standards. Patricia will look into a CALFED/EPA contact that can participate in NDAT meetings. In addition, he recommended that the project name be changed to better reflect the purpose and need, e.g. the North Delta Flood Control Project (NDFCP).

- Mike Coleman and Bellory Fong gave an update on the Delta Wide Ecosystem Restoration Steering Committee, stating that Frank Wernette and Marina Brand were working to establish technical review standards for ERP actions. Mike will provide an update on their progress at the next NDAT meeting.
- Aimee led a discussion on the changes that were made to Chapter 1 based on comments from a few members of the NDAT. Margit asked that the new reference to "1955" describing the need for the proposed project be changed or better explained. Aimee stated that additional comments on Chapter 1 will be incorporated, but that we will wait to discuss them until additional progress on the alternatives development has been accomplished.

**Action Items:**

1. Jones & Stokes will incorporate any additional comments to Chapter 1 and distribute to the NDAT for review
2. Jones & Stokes will distribute the draft EIR/EIS outline for the NDIP to NDAT members for review
3. Patricia Fernandez will find an appropriate EPA contact to attend NDAT meetings

**Next meeting:**

- Discuss lead agency
- Discuss status of project alternatives
- Provide update on relationship between NDIP and ERP Delta Implementation Plan
- Provide update on Delta Wide Ecosystem Restoration Steering Committee